

REMARKS

Applicant appreciates the Examiner's thorough consideration provided the present application. The Specifications and claims 1-8 are now present in the application. Claim 9 has been cancelled. Claim 1 is independent. Reconsideration of this application, as amended, is respectfully requested.

Allowable Subject Matter

The Examiner has indicated that dependent claims 4-8 would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims. Applicant gratefully appreciates the indication of allowable subject matter by the Examiner. In view of the following remarks, it is respectfully submitted that all claims should now be in condition for allowance.

Drawings Objection

The Examiner has objected to the drawings and indicated that the color drawings will not be accepted unless a petition under 37 CFR 1.84(a)(2) is submitted and granted. It is respectfully submitted, however, that a Petition under 37 CFR 1.84(a)(2) was filed concurrently with the filing of this application on March 2, 2004. A telephone inquiry was made to the Examiner, who confirmed on May 18, 2006 that this Petition had been received and forwarded to the Office of Petitions. Accordingly, it is believed that no further action regarding the drawings is necessary at this time.

Claim Rejection under 35 U.S.C. § 112

Claim 9 stands rejected under 35 USC 112, second paragraph. This rejection is respectfully traversed.

Without conceding the appropriateness of the Examiner's rejection, but simply to expedite prosecution of this application, it is noted that claim 9 has been cancelled, thereby rendering this rejection moot.

Claim Rejection under 35 U.S.C. § 103

Claims 1-3 stand rejected under 35 U.S.C. § 103 as being unpatentable over Hamburg, U.S. Patent 6,028,583. This rejection is respectfully traversed.

Claim 1 recites a combination of steps including "initializing a plurality of layers and masks corresponding to the layers, wherein the layers and masks have the same dimensions as a picture, and each of the layers has the pixel information of the picture;" "translating the layers and masks to positions determined according to user input;" "determining pixel values of each of the masks according to the positions thereof" and "merging the layers to which the corresponding masks are applied."

Hamburg discloses a mask providing opacity information as a function of position. Similar expressions comprising "function of position" are also described in Hamburg in col. 4, lines 13-14, which states that "[t]he image 54 provides color information and, optionally, opacity information, as **a function of position.**" Although Hamburg does not define the position in the second paragraph of col. 4, Hamburg in col. 5, lines 11-13 discloses that mask_alpha (x, y) represents the opacity of each pixel in an image layer mask, wherein (x, y) implicitly represents

the coordinate of a pixel, and mask_alpha (x, y) is a function of positions of pixels in an image layer mask, but not a function of the positions of masks. It is respectfully submitted that, since Hamburg does not expressly teach “translating the layers and masks to positions determined according to user input,” the limitation of “a function of position” in Hamburg cannot be construed as a function of the position of the mask in the plurality of layers. Accordingly, Hamburg fails to teach determining pixel values of each of the masks according to the position of the mask in the plurality of layers as recited in independent claim 1.

In summary, Hamburg fails to teach or suggest the presently claimed method of digital creation of a multivision filter effect, comprising translating layers and masks to positions determined according to user input and determining pixel values of each of the masks according to the positions of the masks. There is also no motivation to be found anywhere in Hamburg of attempting to provide such a method.

Since Hamburg fails to teach each and every limitation of independent claim 1, Applicant respectfully submits that claim 1 and its dependent claims clearly define over the teachings of Hamburg. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103 are respectfully requested.

Conclusion

Since the remaining patents cited by the Examiner have not been utilized to reject the claims, but merely to show the state of the prior art, no further comments are necessary with respect thereto.

Application No. 10/790,132
Amendment dated May 22, 2006
Reply to Office Action of February 22, 2006

Docket No.: 0941-0923P

It is believed that a full and complete response has been made to the Office Action, and that as such, the Examiner is respectfully requested to send the application to Issue.

In the event there are any matters remaining in this application, the Examiner is invited to contact Joe McKinney Muncy, Registration No. 32,334 at (703) 205-8000 in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Dated: May 22, 2006

Respectfully submitted,

By 

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